

Senate Bill No. 162

Passed the Senate August 28, 1997

Secretary of the Senate

Passed the Assembly July 14, 1997

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1997, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to add Section 24304.1 to the Government Code, to amend Sections 1463.007 and 1463.16 of the Penal Code, and to add and repeal Section 42007.1 of the Vehicle Code, relating to counties, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 162, Haynes. Fines and forfeitures: comprehensive collection programs.

(1) Existing law authorizes county boards of supervisors to consolidate specified county offices, including authorizing the board in counties of the 13th to 58th classes, inclusive, to consolidate county offices in various combinations, including (1) county clerk, assessor, and recorder, and (2) sheriff, coroner, and public administrator. Under existing law, Riverside County is classified as a county of the 11th class.

This bill would authorize the Board of Supervisors of Riverside County to consolidate either or both of the following combinations: (1) the offices of county clerk, assessor, and recorder, and (2) the offices of sheriff, coroner, and public administrator.

(2) Under existing law, to be repealed June 30, 1997, any county or court that implements a comprehensive program to identify and collect fines and forfeitures that have not been paid after 60 days from the date on which they were due and payable, with or without warrant having been issued against the alleged violator, and for which the base fine excluding state and county penalties is at least \$100, may deduct and deposit in the county treasury the cost of operating that program, excluding capital expenditures, from any revenues collected prior to making any distribution of revenues to other governmental entities required by any other provision of law.

This bill would authorize reimbursement of a county or court pursuant to this provision for the cost of operating



a comprehensive collection program to identify and collect fines and forfeitures.

(3) Existing law requires a county that exercises the authority granted under the above provisions for the purpose of enhancing revenue collections to file an annual report of its activities with the Legislature.

This bill would specify the county officers required to file the report and the legislative committees with which the report is required to be filed.

(4) Existing law requires that in the Counties of Los Angeles, Orange, San Diego, San Joaquin, and Stanislaus, \$50 for each conviction of specified Vehicle Code violations shall be deposited in a special account for exclusive allocation by the administrator of the county's alcoholism program, with the approval of the board of supervisors, for alcohol programs and services for the general population.

This bill would include in this provision the Counties of Sonoma and San Luis Obispo.

(5) Existing law requires a fee to be collected from every person ordered or permitted to attend traffic violator school, in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule.

This bill would increase that fee by \$24 until December 31, 1998, and would require this increase to be deposited in the General Fund.

(6) This bill would repeal the provisions in (2) and (3) above, as of January 1, 2000.

(7) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 24304.1 is added to the Government Code, to read:

24304.1. Notwithstanding the provisions of Section 24300, in counties of the 11th class, the board of supervisors by ordinance may consolidate the duties of

certain of the county offices, in one or both of these combinations:

- (a) County clerk, assessor, and recorder.
- (b) Sheriff, coroner, and public administrator.

SEC. 2. Section 1463.007 of the Penal Code is amended to read:

1463.007. Notwithstanding any other provision of law, any county or court that implements or has implemented a comprehensive program to identify and collect delinquent fines and forfeitures, with or without warrant having been issued against the alleged violator, and for which the base fine excluding state and county penalties is at least one hundred dollars (\$100), may deduct and deposit in the county treasury the cost of operating that program, excluding capital expenditures, from any revenues collected thereby prior to making any distribution of revenues to other governmental entities required by any other provision of law. This section does not apply to a defendant who is paying a fine or forfeiture through time payments, unless he or she is delinquent in making payments according to the agreed-upon payment schedule. This section shall apply to costs incurred by a court or county prior to the implementation of a time payments agreement. For purposes of this section, a comprehensive collection program is a separate and distinct revenue collection activity and shall include at least 10 of the following components:

- (a) Monthly bill statements to all debtors.
- (b) Telephone contact with delinquent debtors to apprise them of their failure to meet payment obligations.
- (c) Issuance of warning letters to advise delinquent debtors of an outstanding obligation.
- (d) Requests for credit reports to assist in locating delinquent debtors.
- (e) Access to Employment Development Department employment and wage information.
- (f) The generation of monthly delinquent reports.
- (g) Participation in the Franchise Tax Board's tax intercept program.



(h) The use of Department of Motor Vehicle information to locate delinquent debtors.

(i) The use of wage and bank account garnishments.

(j) The imposition of liens on real property and proceeds from the sale of real property held by a title company.

(k) The filing of objections to the inclusion of outstanding fines and forfeitures in bankruptcy proceedings.

(l) Coordination with the probation department to locate debtors who may be on formal or informal probation.

(m) The initiation of drivers' license suspension actions where appropriate.

(n) The capability to accept credit card payments.

A comprehensive collection plan shall also include a provision that the county shall share any debt collection information acquired with state agencies entitled to proceeds of restitution fines and orders.

Any county that exercises the authority granted in this section for the purpose of enhancing its revenue collections shall file an annual report of its activities with the Legislature. The chief administrative officer of the county or the clerk of the board of supervisors of the county shall file the report with the Assembly and Senate committees on the judiciary and the budget.

This section is repealed as of January 1, 2000, unless a later enacted statute, which is enacted before this date, deletes or extends the date.

SEC. 3. Section 1463.16 of the Penal Code is amended to read:

1463.16. (a) Notwithstanding Section 1203.1 or 1463, fifty dollars (\$50) of each fine collected for each conviction of a violation of Section 23103, 23104, 23152, or 23153 of the Vehicle Code shall be deposited with the county treasurer in a special account for exclusive allocation by the county for the county's alcoholism program, with approval of the board of supervisors, for alcohol programs and services for the general population. These funds shall be allocated through the local planning

process pursuant to specific provision in the county alcohol program plan which is submitted to the State Department of Alcohol and Drug Programs. Programs shall be certified by the Department of Alcohol and Drug Programs or have made application for certification to be eligible for funding under this section. The county shall implement the intent and procedures of subdivision (b) of Section 11812 of the Health and Safety Code while distributing funds under this section.

(b) In a county of the 1st, 2nd, 3rd, 15th, 19th, 20th, or 24th class, notwithstanding Section 1463, of the moneys deposited with the county treasurer pursuant to Section 1463, fifty dollars (\$50) for each conviction of a violation of Section 23103, 23104, 23152, or 23153 of the Vehicle Code shall be deposited in a special account for exclusive allocation by the administrator of the county's alcoholism program, with approval of the board of supervisors, for alcohol programs and services for the general population. These funds shall be allocated through the local planning process pursuant to a specific provision in the county plan which is submitted to the State Department of Alcohol and Drug Programs. For those services for which standards have been developed and certification is available, programs shall be certified by the State Department of Alcohol and Drug Programs or shall apply for certification to be eligible for funding under this section. The county alcohol administrator shall implement the intent and procedures of subdivision (b) of Section 11812 of the Health and Safety Code while distributing funds under this section.

(c) The Board of Supervisors of Contra Costa County may, by resolution, authorize the imposition of a fifty dollar (\$50) assessment by the court upon each defendant convicted of a violation of Section 23152 or 23153 of the Vehicle Code for deposit in the account from which the fifty dollar (\$50) distribution specified in subdivision (a) is deducted.

(d) It is the specific intent of the Legislature that funds expended under this part shall be used for ongoing alcoholism program services as well as for contracts with



private nonprofit organizations to upgrade facilities to meet state certification and state licensing standards and federal nondiscrimination regulations relating to accessibility for handicapped persons.

(e) Counties may retain up to 5 percent of the funds collected to offset administrative costs of collection and disbursement.

SEC. 4. Section 42007.1 is added to the Vehicle Code, to read:

42007.1. Notwithstanding Section 42007, on and after the effective date of this section to and including December 31, 1998:

(a) The fee collected by the clerk pursuant to subdivision (a) of Section 42007 shall be in an amount equal to the total bail set forth for the eligible offense on the uniform countywide bail schedule plus twenty-four dollars (\$24).

(b) The fee revenues shall be allocated as follows rather than as specified in subdivision (b) of Section 42007:

(1) Twenty-four dollars (\$24) of each fee collected shall be deposited in the General Fund.

(2) Seventy-seven percent of the remaining amount shall be deposited in the General Fund, except that 14 percent of the revenues allocated pursuant to this paragraph from fees received on or after January 1, 1998, shall be deposited in the State Courthouse Construction Fund.

(3) The remaining amount collected under subdivision (a) of Section 42007 shall be allocated as provided in paragraph (2) of subdivision (b) of Section 42007.

This section shall remain in effect only until January 1, 1999, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1999, deletes or extends that date.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the

Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to prevent potential candidates from filing candidacy papers for positions that would be eliminated due to consolidation and to ensure that projected local revenue losses relating to the operation of a comprehensive collection program of fines and forfeitures do not occur, it is necessary that this act take effect immediately.



Approved _____, 1997

Governor

